

New York Law (NYLE) Practice Exam (Sample)

Study Guide



Everything you need from our exam experts!

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Introduction

Preparing for a certification exam can feel overwhelming, but with the right tools, it becomes an opportunity to build confidence, sharpen your skills, and move one step closer to your goals. At Examzify, we believe that effective exam preparation isn't just about memorization, it's about understanding the material, identifying knowledge gaps, and building the test-taking strategies that lead to success.

This guide was designed to help you do exactly that.

Whether you're preparing for a licensing exam, professional certification, or entry-level qualification, this book offers structured practice to reinforce key concepts. You'll find a wide range of multiple-choice questions, each followed by clear explanations to help you understand not just the right answer, but why it's correct.

The content in this guide is based on real-world exam objectives and aligned with the types of questions and topics commonly found on official tests. It's ideal for learners who want to:

- Practice answering questions under realistic conditions,
- Improve accuracy and speed,
- Review explanations to strengthen weak areas, and
- Approach the exam with greater confidence.

We recommend using this book not as a stand-alone study tool, but alongside other resources like flashcards, textbooks, or hands-on training. For best results, we recommend working through each question, reflecting on the explanation provided, and revisiting the topics that challenge you most.

Remember: successful test preparation isn't about getting every question right the first time, it's about learning from your mistakes and improving over time. Stay focused, trust the process, and know that every page you turn brings you closer to success.

Let's begin.

How to Use This Guide

This guide is designed to help you study more effectively and approach your exam with confidence. Whether you're reviewing for the first time or doing a final refresh, here's how to get the most out of your Examzify study guide:

1. Start with a Diagnostic Review

Skim through the questions to get a sense of what you know and what you need to focus on. Your goal is to identify knowledge gaps early.

2. Study in Short, Focused Sessions

Break your study time into manageable blocks (e.g. 30 - 45 minutes). Review a handful of questions, reflect on the explanations.

3. Learn from the Explanations

After answering a question, always read the explanation, even if you got it right. It reinforces key points, corrects misunderstandings, and teaches subtle distinctions between similar answers.

4. Track Your Progress

Use bookmarks or notes (if reading digitally) to mark difficult questions. Revisit these regularly and track improvements over time.

5. Simulate the Real Exam

Once you're comfortable, try taking a full set of questions without pausing. Set a timer and simulate test-day conditions to build confidence and time management skills.

6. Repeat and Review

Don't just study once, repetition builds retention. Re-attempt questions after a few days and revisit explanations to reinforce learning. Pair this guide with other Examzify tools like flashcards, and digital practice tests to strengthen your preparation across formats.

There's no single right way to study, but consistent, thoughtful effort always wins. Use this guide flexibly, adapt the tips above to fit your pace and learning style. You've got this!

Questions

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- 1. What is an agent required to do under a duly executed power of attorney?**
 - A. Act according to the agent's own judgment regardless of instructions**
 - B. Observe the standard of care of a prudent person with another's property**
 - C. Comingle funds with those of the principal if records are maintained**
 - D. Make gifts to herself, regardless of any established limits**

- 2. Is service of process by email allowed in civil actions in New York State courts?**
 - A. Yes, always permitted**
 - B. No, it is never permitted**
 - C. Yes, but only with a court order**
 - D. Yes, under specific conditions**

- 3. Which one of the following contractual provisions is enforceable?**
 - A. A provision on a ticket to an amusement park exempting the owner from liability for negligence.**
 - B. A provision in a commercial construction contract exempting the contractor from liability for negligence.**
 - C. A provision in a commercial lease exempting the landlord from liability for negligence.**
 - D. A provision in a residential mortgage providing for an interest rate of 15%.**

- 4. What is required for a will to be admitted to probate?**
 - A. The testator must sign in the presence of two attesting witnesses**
 - B. The testator may sign or acknowledge signature in presence of witnesses**
 - C. The two witnesses must sign in the presence of each other**
 - D. Witnesses can sign anytime after the testator's signature**

- 5. The standard of review for determining whether police identification procedures were suggestive is assessed in which type of hearing?**
- A. Sandoval hearing**
 - B. Mapp hearing**
 - C. Huntley hearing**
 - D. Wade hearing**
- 6. How is a net estate distributed when a person dies intestate, survived only by a spouse and two adult children?**
- A. 100% to the spouse**
 - B. 50% to the spouse and 25% to each child**
 - C. \$50,000 and one-half of the residue to the spouse, remainder to children**
 - D. One-third of the net estate to each of the spouse and children**
- 7. May Susan bring a dental malpractice claim against her dentist after four years?**
- A. A. No, because a cause of action for dental malpractice must be commenced within two years and six months of the alleged act, omission or failure.**
 - B. B. No, because a cause of action for dental malpractice must be commenced within three years of the alleged act, omission or failure.**
 - C. C. Yes, because Susan plans to bring the action before 2020.**
 - D. D. Yes, because Susan may bring the action at any time since the statute of limitations was tolled due to Susan's disability.**
- 8. Which contract does NOT require a writing to be enforceable under the Statute of Frauds?**
- A. A contract for the sale of land**
 - B. A contract relating to the division of assets between a husband and wife**
 - C. A contract for borrowing money**
 - D. A contract for snow removal effective immediately for six months**

- 9. A person who caused the death of another person while driving while intoxicated would most likely be charged with what?**
- A. Criminally negligent homicide**
 - B. Voluntary manslaughter**
 - C. Involuntary manslaughter**
 - D. Second-degree murder**
- 10. If an order is not entered by the clerk, what does it mean for the time to appeal?**
- A. The time has begun**
 - B. The time remains open**
 - C. The time is postponed indefinitely**
 - D. The time is immediately expired**

Answers

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1. B
2. C
3. D
4. B
5. D
6. C
7. A
8. D
9. C
10. B

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Explanations

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1. What is an agent required to do under a duly executed power of attorney?
 - A. Act according to the agent's own judgment regardless of instructions
 - B. Observe the standard of care of a prudent person with another's property**
 - C. Comingle funds with those of the principal if records are maintained
 - D. Make gifts to herself, regardless of any established limits

An agent under a duly executed power of attorney has a fiduciary duty to act in the best interests of the principal and to manage the principal's assets responsibly. One key aspect of this responsibility is to observe the standard of care of a prudent person when dealing with another's property. This means that the agent must exercise reasonable care, skill, and diligence when handling the principal's affairs, similar to how an individual would manage their own property. The requirement to uphold this standard helps to ensure that the agent acts in a manner that protects and preserves the principal's assets. This responsibility reflects the trust placed in the agent by the principal and aims to prevent any potential mismanagement or misuse of the principal's resources. Other options outlined do not align with the duties imposed on an agent. Acting solely based on personal judgment disregards the responsibility to follow the principal's instructions. Commingling funds without strict adherence to legal standards violates fiduciary duties, and making personal gifts that exceed the principal's established limits would be a breach of trust and potentially illegal. Thus, recognizing the standard of care required is crucial in understanding the agent's role under a power of attorney.

2. Is service of process by email allowed in civil actions in New York State courts?
 - A. Yes, always permitted
 - B. No, it is never permitted
 - C. Yes, but only with a court order**
 - D. Yes, under specific conditions

In New York State courts, the service of process by email is permitted, but specific conditions must be met. This approach is typically used when traditional methods of service are impractical or when the parties have agreed upon email as a means of communication. A court order is often required to authorize service by email, ensuring that it is appropriate for the circumstances of the case. The need for a court order emphasizes the importance of ensuring that all parties have adequate notice of the proceedings in a manner that is reasonable and fair. Courts evaluate the situation to determine if email service will accomplish this effectively while balancing the rights of all involved. Other options are less accurate because they either overstate or understate the circumstances under which email service is permissible. For example, stating that it is always permitted overlooks the necessity for a court order, while claiming it is never permitted entirely disregards the legal provisions allowing such service under specific conditions.

3. Which one of the following contractual provisions is enforceable?

- A. A provision on a ticket to an amusement park exempting the owner from liability for negligence.**
- B. A provision in a commercial construction contract exempting the contractor from liability for negligence.**
- C. A provision in a commercial lease exempting the landlord from liability for negligence.**
- D. A provision in a residential mortgage providing for an interest rate of 15%.**

The enforceability of contractual provisions often hinges on the context in which they are applied as well as public policy considerations. In this case, the provision in a residential mortgage that stipulates an interest rate of 15% is enforceable because it reflects a legitimate and clearly defined agreement between the lender and borrower regarding the terms of the loan. Interest rates in mortgages are generally subject to market variability, yet are permissible within the bounds of usury laws, which establish maximum allowable rates. Contrarily, the other options involve liability waivers in contexts that potentially infringe upon public safety and welfare. For instance, provisions that seek to exempt a party from liability for negligence—whether in an amusement park, a construction contract, or a commercial lease—can be viewed as invalid when they attempt to absolve a party from responsibility for their own negligent acts, particularly when such negligence could lead to injury or damage. New York courts often scrutinize these kinds of clauses closely and may find them unenforceable as they go against public policy aimed at protecting individuals from harm caused by negligence. Thus, the provision regarding the interest rate in a residential mortgage stands out as it conforms to the regulatory framework without infringing on public safety or welfare, rendering it valid and enforceable.

4. What is required for a will to be admitted to probate?

- A. The testator must sign in the presence of two attesting witnesses**
- B. The testator may sign or acknowledge signature in presence of witnesses**
- C. The two witnesses must sign in the presence of each other**
- D. Witnesses can sign anytime after the testator's signature**

For a will to be admitted to probate in New York, it is essential that the testator sign or acknowledge their signature in the presence of at least two attesting witnesses. This requirement ensures that the will is executed properly and reflects the testator's intentions. The law mandates that both witnesses must witness the testator's signature or they must see the testator acknowledge their signature. This helps to verify that the testator's consent was genuine and that they were of sound mind at the time of signing. Additionally, the presence of two witnesses serves as a safeguard against potential disputes regarding the validity of the will. While the signing by the two witnesses must occur in the presence of the testator, these witnesses do not necessarily need to sign in front of each other. The timing of their signatures is also relevant; they can sign the will after the testator, as long as they do so in the presence of the testator. This underscores the flexibility afforded under New York law regarding the witnessing of wills, which is designed to facilitate the probate process while maintaining the integrity of the document.

5. The standard of review for determining whether police identification procedures were suggestive is assessed in which type of hearing?

- A. Sandoval hearing**
- B. Mapp hearing**
- C. Huntley hearing**
- D. Wade hearing**

The standard of review for determining whether police identification procedures were suggestive is assessed during a Wade hearing. This type of hearing specifically focuses on the admissibility of eyewitness identification evidence. The term "Wade" comes from the precedent set in the case of *United States v. Wade*, where it was established that if the identification procedures used by law enforcement were overly suggestive, they could violate a defendant's right to a fair trial. During a Wade hearing, the court evaluates the circumstances surrounding the identification process, including factors such as the manner in which witnesses were shown photographs or lineups, and whether the police emphasized certain features of the suspect. If the court finds the procedures to be suggestive, it may rule that the identification is inadmissible, thereby safeguarding the integrity of the judicial process. Other types of hearings mentioned relate to different aspects of criminal procedure: Sandoval hearings deal with the admissibility of evidence regarding a defendant's prior convictions for impeachment purposes; Mapp hearings address the legality of search and seizure; and Huntley hearings focus on the admissibility of confessions or statements made by the defendant. Thus, the Wade hearing is distinctly concerned with identification techniques and their potential influence on witnesses.

6. How is a net estate distributed when a person dies intestate, survived only by a spouse and two adult children?

- A. 100% to the spouse**
- B. 50% to the spouse and 25% to each child**
- C. \$50,000 and one-half of the residue to the spouse, remainder to children**
- D. One-third of the net estate to each of the spouse and children**

When a person dies intestate in New York, the distribution of the net estate depends on several factors, including whether the decedent has a spouse and children. In a case where the decedent is survived by a spouse and two adult children, the intestate distribution follows specific rules outlined in New York's Estates, Powers and Trusts Law. The correct distribution in such a scenario is that the spouse receives a set amount of \$50,000 plus half of the remaining estate (the residue), while the children share the other half of the residue equally. This formula acknowledges the spouse's primary role in the family unit while also recognizing the rights of the children. Therefore, the choice indicating that the spouse receives \$50,000 and one-half of the residue of the estate, with the remainder going to the children, aligns with this statutory framework for intestate succession in New York. The other options do not correctly reflect New York's rules relating to spousal and children's shares in the case of intestacy, thus reinforcing why this particular answer is accurate.

7. May Susan bring a dental malpractice claim against her dentist after four years?

- A. A. No, because a cause of action for dental malpractice must be commenced within two years and six months of the alleged act, omission or failure.**
- B. B. No, because a cause of action for dental malpractice must be commenced within three years of the alleged act, omission or failure.**
- C. C. Yes, because Susan plans to bring the action before 2020.**
- D. D. Yes, because Susan may bring the action at any time since the statute of limitations was tolled due to Susan's disability.**

The determination regarding whether Susan can bring a dental malpractice claim hinges on the applicable statute of limitations in New York. In New York, the statute of limitations for dental malpractice claims is indeed two years and six months from the date of the alleged malpractice. This timeframe applies to actions against dentists involving their professional services. Given that Susan is attempting to bring a claim after four years, she would be exceeding the statutory deadline, which is the crucial point of the matter. If an action is not commenced within the prescribed time limit, it is typically barred, meaning that Susan would be unable to successfully pursue her claim against her dentist. In this scenario, while the other options present various considerations regarding different potential timeframes or conditions under which a claim might be allowed, they do not align with the established statutory deadline for dental malpractice in New York law. Thus, the conclusion that Susan cannot bring a claim after four years is supported by the relevant legal standards governing malpractice claims.

8. Which contract does NOT require a writing to be enforceable under the Statute of Frauds?

- A. A contract for the sale of land**
- B. A contract relating to the division of assets between a husband and wife**
- C. A contract for borrowing money**
- D. A contract for snow removal effective immediately for six months**

In New York, the Statute of Frauds requires certain contracts to be in writing to be enforceable. These include contracts for the sale of land, agreements that cannot be performed within one year, agreements for the sale of goods over a certain dollar amount, and contracts related to marriage or the division of assets between married partners. The contract for snow removal effective immediately for six months does not fall under the Statute of Frauds because it can be performed within one year. Since the work is intended to commence and is meant to be completed within a relatively short timeframe, it satisfies the requirement for enforceability without needing a written agreement. This speaks to the nature of the services being temporary and the performance being possible within one year, thus exempting it from the writing requirement imposed by the Statute of Frauds. In contrast, contracts like those for the sale of land, division of marital assets, or loans typically involve longer-term commitments or significant transactions, all of which necessitate written documentation to ensure clarity and prevent disputes.

9. A person who caused the death of another person while driving while intoxicated would most likely be charged with what?

- A. Criminally negligent homicide**
- B. Voluntary manslaughter**
- C. Involuntary manslaughter**
- D. Second-degree murder**

A person who causes the death of another while driving intoxicated is most likely to be charged with involuntary manslaughter. This charge applies because involuntary manslaughter involves an unintentional killing that results from criminal negligence or reckless behavior. In the context of driving while intoxicated, the act can be classified as reckless since the driver was aware, or should have been aware, that their actions posed a significant risk to others. Intoxication impairs a person's ability to operate a vehicle safely, and in such circumstances, the law recognizes the driver's failure to exercise the care that a reasonable, sober driver would exhibit. This negligent behavior leads to severe risks and potential fatal consequences, framing the situation within the boundaries of involuntary manslaughter rather than more serious charges such as voluntary manslaughter, which requires an intent to kill, or second-degree murder, which involves a much greater degree of intent or depraved indifference to human life. Criminally negligent homicide could also appear relevant but typically involves a lower threshold of negligence compared to involuntary manslaughter in New York law, which is specifically tied to situations where the conduct leading to death was more reckless. Thus, involuntary manslaughter accurately encapsulates the legal implications

10. If an order is not entered by the clerk, what does it mean for the time to appeal?

- A. The time has begun**
- B. The time remains open**
- C. The time is postponed indefinitely**
- D. The time is immediately expired**

When an order is not entered by the clerk, it indicates that the order has not achieved the necessary formality required for triggering the time limit to appeal. Under New York law, the formal entry of an order by the clerk is essential, as it notifies the parties of the existence of the order and typically starts the clock on the appeal window. Since the order is not formally entered, the time to appeal does not yet begin - it remains open. This means that the parties involved may still take further action, and the appeal period does not commence until the order is properly entered by the clerk. Thus, the correct understanding is that the time to appeal remains open until the order is formally recorded.

Next Steps

Congratulations on reaching the final section of this guide. You've taken a meaningful step toward passing your certification exam and advancing your career.

As you continue preparing, remember that consistent practice, review, and self-reflection are key to success. Make time to revisit difficult topics, simulate exam conditions, and track your progress along the way.

If you need help, have suggestions, or want to share feedback, we'd love to hear from you. Reach out to our team at hello@examzify.com.

Or visit your dedicated course page for more study tools and resources:

<https://nyle.examzify.com>

We wish you the very best on your exam journey. You've got this!

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